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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,767	03/11/2004	Michael L. Britt	979619010004	6439

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EXAMINER	
MANOHARAN, VIRGINIA	
ART UNIT	PAPER NUMBER
1764	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/798,767	BRITT, MICHAEL L.	
	Examiner	Art Unit	
	Virginia Manoharan	1764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 December 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *9-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *9-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 9-16 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Low (6,589,422) in view of Oesch et al (5,082,535).

The above references are applied for the same combined reasons as set forth at the paragraph bridging pages 3 and 4 of the previous Office Action.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Low (6,589,422) in view of Oesch et al (5,082,535) and with or without Flanigan et al (5,107,874).

The recycling of solvent or alternatively, providing a device or means to add fresh solvent to the system is known the art as taught by Flanigan. Note col. 7, lines 20-35.

Applicant's arguments filed December 15, 2006 have been fully considered but they are not persuasive.

Independent Claim 9

Applicant's arguments such as "..The claimed combination of thermally driving the vapor-phase solvent despite mechanically pumping the liquid-phase solvent is not

suggested by any of the cited references... Low mechanically pumps the solvent in both liquid phase (using pump 16) and vapor phase (using compressor 23), thereby risking degrading his solvent and/or oil. In Oesch, the solvent is not thermally driven as claimed, much less thermally driven back to the reservoir from which it came as claimed.." are not persuasive of patentability because of the following reasons:

The additional feature, i.e, the argued "Low mechanically pumps the solvent in .....vapor phase (using compressor 23)" although not required by the claims, is not excluded therefrom with the recitation of "comprising" which is all-inclusive. Nonetheless, Low's disclosure in col. 5, lines 37-41 would at least be suggestive of carrying the process without pumping using the compressor. In this regard, it is clear that applicant contemplates doing what the prior art is doing. [See e.g., page 3, lines 29-30 of the instant specification with the used of the second pump (82), and compare with Low's used of the compressor as argued supra].

Independent Claim 14

Applicant's argument that "...none of the references discloses two or more distillation systems, much less a single oil collection tank connected to both" is not considered well-taken. Contrary to applicant's assertion, Oesch at col. 3, lines 60-67, would suggest the argued collection tank. Oesch's single tank is deemed capable of performing the collection with one or two distillation systems. Adding an additional distillation system is a matter of additive as evident from Oesch's reference to " at least one evaporator" at col. 2, line 56.

Independent Claim 17

Claim 17, as amended, recites "means for replacing the solvent in the system with a second solvent while the system remains closed to the atmosphere.... This is not disclosed or suggested by the cited references even in combination" is of no patentable significance. See e.g.,col. 3, lines 37-40 of Low suggesting the recycling of the solvent. Nonetheless, adding a fresh solvent is not an unobvious subject matter nor is it evidence of criticality in the art as taught by Flanigan, discussed supra.

Independent Claim 18

However, Low suggests the argued heat pump which withdraw heat from the system at the reservoir (corresponding to a condenser in function), and add heat back to the system as the integration of the heat pump would reduce energy consumption. See col. 5, lines 54-62.

Independent Claim 19

Oesch discloses at col. 4, lines 17-22 an autoclave (1) which corresponds to the argued purge tank with the impurities purged or removed thereby providing clean solvent. See also Low at col. 3, lines 1-2 disclosing a vent in its system.

The argument relative to Reid is moot since this alternative reference has been dropped from the above rejection.

Thus, in the absence of anything which may be "new" or "unexpected result." a prima facie case of obviousness has been reasonably established by the art and has not been rebutted. Unexpected results must be established by factual evidence. Mere arguments or conclusory statements in the specification, applicants' amendments, or

the Brief do not suffice. In re Linder, 457 F.2d 506, 508, 173 USPQ 356, 358 (CCPA 1872). In re Wood, 582, F.2d 638, 642, 199 USPQ 137, 140 (CCPA 1978).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Barth and Davis both disclose the removal of impurities from a solvent containing the same.

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Virginia Manoharan whose telephone number is 571-272-1450.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola, can be reached on 571-272-1444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VIRGINIA MANUEL
PRIMARY EXAMINER
ART UNIT 1764